

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1757

Introduced by Senator Ortiz

February 24, 2006

An act to amend Section ~~830.11~~ 830.3 of the Penal Code, relating to ~~persons with powers of arrest~~. *Fair Political Practices Commission investigators.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1757, as amended, Ortiz. ~~Powers of arrest~~. *Fair Political Practices Commission: investigators: peace officers.*

Existing law describes certain persons who are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrests, as specified, and provides that these peace officers may carry firearms only if authorized and under those terms and conditions as specified by their employing agencies.

This bill would add to this list of persons described as peace officers, investigators of the Fair Political Practices Commission, as specified. The bill would also provide that these peace officers would not be authorized to carry firearms.

~~Existing law provides that certain persons are not peace officers but may exercise the powers of arrest of a peace officer, as specified, and the power to serve warrants, as specified, during the course and within the scope of their employment, if they receive a course in the exercise of those powers, as specified.~~

~~This bill would include within that list of persons, persons employed by the Fair Political Practices Commission and designated by the commission as investigators, provided that the primary duty of these~~

~~persons would be the enforcement of, and investigations relating to, the law that is the subject of the duties of the commission.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 830.3 of the Penal Code is amended to
2 read:

3 830.3. The following persons are peace officers whose
4 authority extends to any place in the state for the purpose of
5 performing their primary duty or when making an arrest pursuant
6 to Section 836 of the Penal Code as to any public offense with
7 respect to which there is immediate danger to person or property,
8 or of the escape of the perpetrator of that offense, or pursuant to
9 Section 8597 or 8598 of the Government Code. These peace
10 officers may carry firearms only if authorized and under those
11 terms and conditions as specified by their employing agencies:

12 (a) Persons employed by the Division of Investigation of the
13 Department of Consumer Affairs and investigators of the
14 Medical Board of California and the Board of Dental Examiners,
15 who are designated by the Director of Consumer Affairs,
16 provided that the primary duty of these peace officers shall be the
17 enforcement of the law as that duty is set forth in Section 160 of
18 the Business and Professions Code.

19 (b) Voluntary fire wardens designated by the Director of
20 Forestry and Fire Protection pursuant to Section 4156 of the
21 Public Resources Code, provided that the primary duty of these
22 peace officers shall be the enforcement of the law as that duty is
23 set forth in Section 4156 of that code.

24 (c) Employees of the Department of Motor Vehicles
25 designated in Section 1655 of the Vehicle Code, provided that
26 the primary duty of these peace officers shall be the enforcement
27 of the law as that duty is set forth in Section 1655 of that code.

28 (d) Investigators of the California Horse Racing Board
29 designated by the board, provided that the primary duty of these
30 peace officers shall be the enforcement of Chapter 4
31 (commencing with Section 19400) of Division 8 of the Business
32 and Professions Code and Chapter 10 (commencing with Section
33 330) of Title 9 of Part 1 of this code.

1 (e) The State Fire Marshal and assistant or deputy state fire
2 marshals appointed pursuant to Section 13103 of the Health and
3 Safety Code, provided that the primary duty of these peace
4 officers shall be the enforcement of the law as that duty is set
5 forth in Section 13104 of that code.

6 (f) Inspectors of the food and drug section designated by the
7 chief pursuant to subdivision (a) of Section 106500 of the Health
8 and Safety Code, provided that the primary duty of these peace
9 officers shall be the enforcement of the law as that duty is set
10 forth in Section 106500 of that code.

11 (g) All investigators of the Division of Labor Standards
12 Enforcement designated by the Labor Commissioner, provided
13 that the primary duty of these peace officers shall be the
14 enforcement of the law as prescribed in Section 95 of the Labor
15 Code.

16 (h) All investigators of the State Departments of Health
17 Services, Social Services, Mental Health, Developmental
18 Services, and Alcohol and Drug Programs, the Department of
19 Toxic Substances Control, the Office of Statewide Health
20 Planning and Development, and the Public Employees'
21 Retirement System, provided that the primary duty of these peace
22 officers shall be the enforcement of the law relating to the duties
23 of his or her department or office. Notwithstanding any other
24 provision of law, investigators of the Public Employees'
25 Retirement System shall not carry firearms.

26 (i) The Chief of the Bureau of Fraudulent Claims of the
27 Department of Insurance and those investigators designated by
28 the chief, provided that the primary duty of those investigators
29 shall be the enforcement of Section 550.

30 (j) Employees of the Department of Housing and Community
31 Development designated under Section 18023 of the Health and
32 Safety Code, provided that the primary duty of these peace
33 officers shall be the enforcement of the law as that duty is set
34 forth in Section 18023 of that code.

35 (k) Investigators of the office of the Controller, provided that
36 the primary duty of these investigators shall be the enforcement
37 of the law relating to the duties of that office. Notwithstanding
38 any other law, except as authorized by the Controller, the peace
39 officers designated pursuant to this subdivision shall not carry
40 firearms.

1 (l) Investigators of the Department of Corporations designated
2 by the Commissioner of Corporations, provided that the primary
3 duty of these investigators shall be the enforcement of the
4 provisions of law administered by the Department of
5 Corporations. Notwithstanding any other provision of law, the
6 peace officers designated pursuant to this subdivision shall not
7 carry firearms.

8 (m) Persons employed by the Contractors' State License
9 Board designated by the Director of Consumer Affairs pursuant
10 to Section 7011.5 of the Business and Professions Code,
11 provided that the primary duty of these persons shall be the
12 enforcement of the law as that duty is set forth in Section 7011.5,
13 and in Chapter 9 (commencing with Section 7000) of Division 3,
14 of that code. The Director of Consumer Affairs may designate as
15 peace officers not more than three persons who shall at the time
16 of their designation be assigned to the special investigations unit
17 of the board. Notwithstanding any other provision of law, the
18 persons designated pursuant to this subdivision shall not carry
19 firearms.

20 (n) The Chief and coordinators of the Law Enforcement
21 Division of the Office of Emergency Services.

22 (o) Investigators of the office of the Secretary of State
23 designated by the Secretary of State, provided that the primary
24 duty of these peace officers shall be the enforcement of the law
25 as prescribed in Chapter 3 (commencing with Section 8200) of
26 Division 1 of Title 2 of, and Section 12172.5 of, the Government
27 Code. Notwithstanding any other provision of law, the peace
28 officers designated pursuant to this subdivision shall not carry
29 firearms.

30 (p) The Deputy Director for Security designated by Section
31 8880.38 of the Government Code, and all lottery security
32 personnel assigned to the California State Lottery and designated
33 by the director, provided that the primary duty of any of those
34 peace officers shall be the enforcement of the laws related to
35 assuring the integrity, honesty, and fairness of the operation and
36 administration of the California State Lottery.

37 (q) Investigators employed by the Investigation Division of the
38 Employment Development Department designated by the
39 director of the department, provided that the primary duty of
40 those peace officers shall be the enforcement of the law as that

1 duty is set forth in Section 317 of the Unemployment Insurance
2 Code.

3 Notwithstanding any other provision of law, the peace officers
4 designated pursuant to this subdivision shall not carry firearms.

5 (r) The chief and assistant chief of museum security and safety
6 of the California Science Center, as designated by the executive
7 director pursuant to Section 4108 of the Food and Agricultural
8 Code, provided that the primary duty of those peace officers shall
9 be the enforcement of the law as that duty is set forth in Section
10 4108 of the Food and Agricultural Code.

11 (s) Employees of the Franchise Tax Board designated by the
12 board, provided that the primary duty of these peace officers
13 shall be the enforcement of the law as set forth in Chapter 9
14 (commencing with Section 19701) of Part 10.2 of Division 2 of
15 the Revenue and Taxation Code.

16 (t) Notwithstanding any other provision of this section, a peace
17 officer authorized by this section shall not be authorized to carry
18 firearms by his or her employing agency until that agency has
19 adopted a policy on the use of deadly force by those peace
20 officers, and until those peace officers have been instructed in the
21 employing agency's policy on the use of deadly force.

22 Every peace officer authorized pursuant to this section to carry
23 firearms by his or her employing agency shall qualify in the use
24 of the firearms at least every six months.

25 (u) Investigators of the Department of Managed Health Care
26 designated by the Director of the Department of Managed Health
27 Care, provided that the primary duty of these investigators shall
28 be the enforcement of the provisions of laws administered by the
29 Director of the Department of Managed Health Care.
30 Notwithstanding any other provision of law, the peace officers
31 designated pursuant to this subdivision shall not carry firearms.

32 *(v) Persons employed by the Fair Political Practices*
33 *Commission and designated by the commission as investigators,*
34 *provided that the primary duty of these persons shall be the*
35 *enforcement of, and investigations relating to, the law that is the*
36 *subject of the duties of the commission. Notwithstanding any*
37 *other provision of law, these persons shall not carry firearms.*

38 ~~SECTION 1. Section 830.11 of the Penal Code, as amended~~
39 ~~by Section 1 of Chapter 190 of the Statutes of 2005, is amended~~
40 ~~to read:~~

1 ~~830.11. (a) The following persons are not peace officers but~~
2 ~~may exercise the powers of arrest of a peace officer as specified~~
3 ~~in Section 836 and the power to serve warrants as specified in~~
4 ~~Sections 1523 and 1530 during the course and within the scope~~
5 ~~of their employment, if they receive a course in the exercise of~~
6 ~~those powers pursuant to Section 832. The authority and powers~~
7 ~~of the persons designated under this section shall extend to any~~
8 ~~place in the state:~~

9 ~~(1) Persons employed by the Department of Financial~~
10 ~~Institutions designated by the Commissioner of Financial~~
11 ~~Institutions, provided that the primary duty of these persons shall~~
12 ~~be the enforcement of, and investigations relating to, the~~
13 ~~provisions of law administered by the Commissioner of Financial~~
14 ~~Institutions:~~

15 ~~(2) Persons employed by the Department of Real Estate~~
16 ~~designated by the Real Estate Commissioner, provided that the~~
17 ~~primary duty of these persons shall be the enforcement of the~~
18 ~~laws set forth in Part 1 (commencing with Section 10000) and~~
19 ~~Part 2 (commencing with Section 11000) of Division 4 of the~~
20 ~~Business and Professions Code. The Real Estate Commissioner~~
21 ~~may designate persons under this section, who at the time of their~~
22 ~~designation, are assigned to the Special Investigations Unit,~~
23 ~~internally known as the Crisis Response Team:~~

24 ~~(3) Persons employed by the State Lands Commission~~
25 ~~designated by the executive officer, provided that the primary~~
26 ~~duty of these persons shall be the enforcement of the law relating~~
27 ~~to the duties of the State Lands Commission:~~

28 ~~(4) Persons employed as investigators of the Investigations~~
29 ~~Bureau of the Department of Insurance, who are designated by~~
30 ~~the Chief of the Investigations Bureau, provided that the primary~~
31 ~~duty of these persons shall be the enforcement of the Insurance~~
32 ~~Code and other laws relating to persons and businesses, licensed~~
33 ~~and unlicensed by the Department of Insurance, who are engaged~~
34 ~~in the business of insurance:~~

35 ~~(5) Persons employed as investigators and investigator~~
36 ~~supervisors of the Consumer Services Division or the Rail Safety~~
37 ~~and Carrier Division of the Public Utilities Commission who are~~
38 ~~designated by the commission's executive director and approved~~
39 ~~by the commission, provided that the primary duty of these~~

1 ~~persons shall be the enforcement of the law as that duty is set~~
2 ~~forth in Section 308.5 of the Public Utilities Code.~~

3 ~~(6) (A) Persons employed by the State Board of Equalization,~~
4 ~~Investigations Division, who are designated by the board's~~
5 ~~executive director, provided that the primary duty of these~~
6 ~~persons shall be the enforcement of laws administered by the~~
7 ~~State Board of Equalization.~~

8 ~~(B) Persons designated pursuant to this paragraph are not~~
9 ~~entitled to peace officer retirement benefits.~~

10 ~~(7) Persons employed by the Department of Food and~~
11 ~~Agriculture and designated by the Secretary of Food and~~
12 ~~Agriculture as investigators, investigator supervisors, and~~
13 ~~investigator managers, provided that the primary duty of these~~
14 ~~persons shall be enforcement of, and investigations relating to,~~
15 ~~the Food and Agricultural Code or Division 5 (commencing with~~
16 ~~Section 12001) of the Business and Professions Code.~~

17 ~~(8) Persons employed by the Fair Political Practices~~
18 ~~Commission and designated by the commission as investigators,~~
19 ~~provided that the primary duty of these persons shall be the~~
20 ~~enforcement of, and investigations relating to, the law that is the~~
21 ~~subject of the duties of the commission.~~

22 ~~(b) Notwithstanding any other provision of law, persons~~
23 ~~designated pursuant to this section may not carry firearms.~~

24 ~~(c) Persons designated pursuant to this section shall be~~
25 ~~included as "peace officers of the state" under paragraph (2) of~~
26 ~~subdivision (c) of Section 11105 for the purpose of receiving~~
27 ~~state summary criminal history information and shall be~~
28 ~~furnished that information on the same basis as peace officers of~~
29 ~~the state designated in paragraph (2) of subdivision (c) of Section~~
30 ~~11105.~~

31 ~~(d) This section shall remain in effect until January 1, 2010,~~
32 ~~and as of that date shall be repealed.~~

33 ~~SEC. 2. Section 830.11 of the Penal Code, as amended by~~
34 ~~Section 2 of Chapter 190 of the Statutes of 2005, is amended to~~
35 ~~read:~~

36 ~~830.11. (a) The following persons are not peace officers but~~
37 ~~may exercise the powers of arrest of a peace officer as specified~~
38 ~~in Section 836 and the power to serve warrants as specified in~~
39 ~~Sections 1523 and 1530 during the course and within the scope~~
40 ~~of their employment, if they receive a course in the exercise of~~

1 those powers pursuant to Section 832. The authority and powers
2 of the persons designated under this section shall extend to any
3 place in the state:

4 (1) ~~Persons employed by the Department of Financial~~
5 ~~Institutions designated by the Commissioner of Financial~~
6 ~~Institutions, provided that the primary duty of these persons shall~~
7 ~~be the enforcement of, and investigations relating to, the~~
8 ~~provisions of law administered by the Commissioner of Financial~~
9 ~~Institutions.~~

10 (2) ~~Persons employed by the Department of Real Estate~~
11 ~~designated by the Real Estate Commissioner, provided that the~~
12 ~~primary duty of these persons shall be the enforcement of the~~
13 ~~laws set forth in Part 1 (commencing with Section 10000) and~~
14 ~~Part 2 (commencing with Section 11000) of Division 4 of the~~
15 ~~Business and Professions Code. The Real Estate Commissioner~~
16 ~~may designate persons under this section, who at the time of their~~
17 ~~designation, are assigned to the Special Investigations Unit,~~
18 ~~internally known as the Crisis Response Team.~~

19 (3) ~~Persons employed by the State Lands Commission~~
20 ~~designated by the executive officer, provided that the primary~~
21 ~~duty of these persons shall be the enforcement of the law relating~~
22 ~~to the duties of the State Lands Commission.~~

23 (4) ~~Persons employed as investigators of the Investigations~~
24 ~~Bureau of the Department of Insurance, who are designated by~~
25 ~~the Chief of the Investigations Bureau, provided that the primary~~
26 ~~duty of these persons shall be the enforcement of the Insurance~~
27 ~~Code and other laws relating to persons and businesses, licensed~~
28 ~~and unlicensed by the Department of Insurance, who are engaged~~
29 ~~in the business of insurance.~~

30 (5) ~~Persons employed as investigators and investigator~~
31 ~~supervisors of the Consumer Services Division or the Rail Safety~~
32 ~~and Carrier Division of the Public Utilities Commission who are~~
33 ~~designated by the commission's executive director and approved~~
34 ~~by the commission, provided that the primary duty of these~~
35 ~~persons shall be the enforcement of the law as that duty is set~~
36 ~~forth in Section 308.5 of the Public Utilities Code.~~

37 (6) ~~Persons employed by the Department of Food and~~
38 ~~Agriculture and designated by the Secretary of Food and~~
39 ~~Agriculture as investigators, investigator supervisors, and~~
40 ~~investigator managers, provided that the primary duty of these~~

1 ~~persons shall be enforcement of, and investigations relating to,~~
2 ~~the Food and Agricultural Code or Division 5 (commencing with~~
3 ~~Section 12001) of the Business and Professions Code.~~

4 ~~(7) Persons employed by the Fair Political Practices~~
5 ~~Commission and designated by the commission as investigators,~~
6 ~~provided that the primary duty of these persons shall be the~~
7 ~~enforcement of, and investigations relating to, the law that is the~~
8 ~~subject of the duties of the commission.~~

9 ~~(b) Notwithstanding any other provision of law, persons~~
10 ~~designated pursuant to this section may not carry firearms.~~

11 ~~(c) Persons designated pursuant to this section shall be~~
12 ~~included as “peace officers of the state” under paragraph (2) of~~
13 ~~subdivision (c) of Section 11105 for the purpose of receiving~~
14 ~~state summary criminal history information and shall be~~
15 ~~furnished that information on the same basis as peace officers of~~
16 ~~the state designated in paragraph (2) of subdivision (c) of Section~~
17 ~~11105.~~

18 ~~(d) This section shall become operative on January 1, 2010.~~